

**Cronfa Bensiynau Clwyd
Clwyd Pension Fund**

Gweinyddwyd gan
Administered by



A Guide to the Internal Dispute Resolution Procedure Local Government Pension Scheme (LGPS)

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Introduction

The following guide will take you through the Local Government Pension Scheme (LGPS) appeals procedure which is also known as the Internal Dispute Resolution Procedure (IDRP).

We value you as a member and are committed to providing you with a high quality service. That is why we are always keen to receive feedback from you about our service - even if that feedback takes the form of a disagreement.

We believe it is through understanding where and how we have gone wrong that we can make the necessary changes to improve the service for all. If you wish to use the formal IDRP you will need to complete an application form. The forms can be obtained from our website <https://mss.clwydpensionfund.org.uk/home/lgps-member-information/lgps-scheme/forms-and-resources/index.html> or emailed / posted to you.

However, you may wish to contact our office first as we may be able to put things right quickly and easily on an informal basis.

I wish to make an appeal, what should I do?

Often a problem can be resolved quickly by contacting the decision maker directly. Whether this is your employer or the Clwyd Pension Fund, the decision may have evolved from incorrect information being used or an initial misunderstanding.

Both scenarios can possibly be explained and easily amended by contacting the decision maker by telephone or in writing. Many problems are resolved this way, so please bear this in mind as it may save you time.

Scenarios whereby you should not use the IDRP

You cannot appeal just because you are unhappy with a decision. You must clearly state why you feel that you meet the regulatory criteria or that new evidence should be considered.

Ways to Contact the Clwyd Pension Fund

By telephone: 01352 702980 / 01352 702950

Ring the above number and your disagreement will be dealt with by a member of the pensions team in a friendly and helpful manner.

Email: pensions@flintshire.gov.uk

We will be in touch within 5 working days

In writing to:

Clwyd Pension Fund, County Hall, Mold, Flintshire, CH7 6NA

We will be in touch within 5 working days

What is IDRP?

If an agreement cannot be made between the applicant and the decision maker, within the LGPS Regulations 2013, Regulations 72 to 79 detail the formal dispute procedure known as the Internal Dispute Resolution Procedure.

The process is split into two stages, if you are unhappy with a decision following Stage 1, or a decision has not been made in reasonable time under the dispute rules, you have the right to have it looked at afresh.

Whether your appeal is at Stage 1 or 2, the IDRP form should be completed, clearly noting at which stage your appeal is at, and sent to the below individual who shall pass your information on:

Karen Williams, Pensions Administration Manager
Clwyd Pension Fund, County Hall, Mold, Flintshire, CH7 6NA
or via email to: pensions@flintshire.gov.uk

What power does the nominated person's decision carry?

The nominated persons decision is final and binding on the employer or administering authority, unless you refer the decision of the nominated person to the administering authority for determination under a Stage 2 appeal.

The only exemption to this is a decision of your employer or administering authority, where the matter concerns the discretion of either the employer or administration authority. In these cases, if the nominated person does not uphold the decision, the matter must be referred back to the body which made the decision for reconsideration.

Please note: Where that decision maker is a past employer that is no longer a Scheme employer, appeals should be directed to the Clwyd Pension Fund.

What can be appealed?

When you become a member of the LGPS multiple decisions are made in respect of your membership. Some decisions are made by your employer or former employer, whilst some are made by the administration authority. Flintshire County Council is the administration authority for the Clwyd Pension Fund.

It is advised that if you are notified of a decision, that you should check with the decision maker that it has firstly been based on the correct information. When notified of a decision, contact details will be provided so you can query any uncertainties and be provided with details of the rights of appeal under the LGPS regulations.

Administration Authority Decisions:

- The person's previous service/employment.
- Counting additional periods as membership or crediting additional pension.
- The amount of any benefit, or return of contributions, the member becomes entitled to under the regulations.

Employer's First Instance Decisions:

- Eligibility for membership
- Pensionable pay or Final pay
- Employee's contribution rate
- Entitlement to benefit on termination of membership
- Entitlement to early release of pension benefits, AND
- All decisions under Regulation 72(4) "A person's Scheme employer must decide any question concerning any other matter relating to the person's rights or liabilities under the Scheme."

What cannot be appealed?

If your appeal does not fall under any of the above criteria, unfortunately you will not be entitled to appeal under the IDRPs.

Who can submit details of a disagreement?

A disagreement can be submitted by a current or previous member or alternatively by:

1. widows
2. widowers
3. surviving civil partners
4. surviving cohabiting partners
5. dependants of a deceased member
6. prospective members
7. former members

Can someone make a complaint on my behalf?

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, spouse, partner or friend and you will need to give the person you have chosen written authority to act on your behalf.

If the IDRP applicant dies, is/becomes incapable of acting for themselves, or is a minor, the application can be continued on behalf of the applicant by a personal representative, family member, or some other person suitable to be the representative.

Delay or a non-decision based complaint

If you wish to appeal about a delay or a non-decision based complaint, you should first contact the relevant party (employer or administration authority). If it is decided that there has been an issue with maladministration, the employer or administration authority have the power to award any compensation for any loss you have suffered. Here, you can take your complaint to The Pensions Ombudsman (TPO) who does have the power to award compensation in such cases.

Discretionary powers

If a decision has been made using a discretionary power and you are disputing that decision, your complaint would follow the standard two stage IDR process. In such cases, the role of the person deciding the disagreement is not to overturn the initial decision but to ensure that the discretion has been exercised reasonably, and in cases where this is found not to be the case, to determine that the matter should be reconsidered in a proper manner.

Information regarding Ill Health Retirements

If your complaint is regarding an ill health retirement, you should be clear what exactly you are appealing against before starting the IDR process.

It is not your own GP or consultants decision as to whether you qualify for ill-health benefits, however, medical evidence from them can be used to assist the IRMP with their opinion.

Employer decision:

You do not have the right of appeal to the Fund under IDR against your employer's decision not to terminate your employment through ill-health grounds; instead you must appeal directly to your employer as this is an employment issue.

Similarly, if you have been dismissed from employment and a decision has been made not to award you an ill-health benefit which you disagree with, you may appeal against it through the IDR.

If you are not happy that all relevant medical evidence was fully considered by the IRMP before their final opinion was given, you should speak to your employer about other options before considering IDRPs.

Administration authority decision:

You can use IDRPs to appeal against the administration authority if you disagree with the ill health pension benefits awarded.

Stage 1: Application to a Specified Person under Regulation 72 of the 2013 Administration Regulations

The IDRPs form can be found on our website or a copy can be emailed / posted to you. It should be completed in order to explain what you are unhappy, aggrieved or dissatisfied about.

With the IDRPs form please include a copy of any written notification you have received with regards to the disagreement you have.

You must submit your Stage 1 form **within six months** of:

- Receiving the written notification that you disagree with, or
- Of the act or omission the cause of the disagreement

Although the specified person has the discretion to allow more time.

Your Stage 1 form should be sent to:

Clwyd Pension Fund, County Hall, Mold, Flintshire CH7 6NA

or emailed to: pensions@flintshire.gov.uk

Stage 1 is handled by the below nominated person that has been appointed by Flintshire County Council:

Yunus Gajra - West Yorkshire Pension Fund

What happens next?

The nominated person will look at the facts of your case along with the scheme rules and any other legislation he needs to refer to. He may also need to ask you or your employer for more details to help him understand your application. The nominated person should reply to you in writing within 2 months of receiving your application. This will be to either, give you his decision or to explain the reasons for any delay and confirm when you will have a decision.

You can take your complaint further to Stage 2 if:

- The specified person has failed to issue either a decision, or a letter of explanation within three months of making the application,
- You have not had a decision from the Stage 1 specified person within one month of the date he said you would, or
- You have had a decision from the specified person but you are unhappy with it

Stage 2: Application for Reconsideration under Regulation 74 of 2013 Administration Regulations

You must complete a further IDR form within six months of receiving the Stage 1 decision if you wish to proceed to Stage 2. The IDR form can be found on our website or a copy can be emailed / posted to you.

With the IDR form please include a copy of any written notification you have received with regards to the disagreement you have, include a copy of the Stage 1 decision and also a copy of the initial written notification you received with regards to the disagreement you have.

The form allows you to explain why you are dissatisfied with the decision and wish it to be reconsidered by the administering authority.

Your Stage 2 form should be sent to:

Clwyd Pension Fund, County Hall, Mold, Flintshire CH7 6NA

or emailed to: pensions@flintshire.gov.uk

Stage 2 is handled by the below nominated person that has been appointed by Flintshire County Council:

Steven Goodrum - Flintshire County Council

What happens next?

The Stage 2 appointed nominated person will re-examine your case, once again reviewing scheme rules and the facts of your case. He may also need to ask you or your employer for more details to help him understand the matter.

The Stage 2 nominated person should reply to you in writing within **two months** of receiving your referral. This will be either to:

- Give you his decision, which will confirm or replace the Stage 1 specified person's decision, or
- Explain the reasons for any delay and inform you when you will have a decision

Getting Outside Help from Other Bodies

MoneyHelper

If you have general requests for information or guidance concerning your pension arrangements contact:

Address: Money and Pensions Service, 120 Holborn, London, EC1N 2TD

Tel: 0800 011 3797

Website: <https://www.moneyhelper.org.uk/en/pensions-and-retirement>

The Pensions Ombudsman

The Pensions Ombudsman (TPO) can investigate any type of disagreement about your pension so long as it is within 3 years of the original disagreement being made. However, the Pensions Ombudsman is unlikely to become involved in any particular case until the Internal Dispute Resolution Procedure Stages 1 and 2 have been pursued.

The Pensions Ombudsman may however become involved during the Internal Dispute Resolution Procedure if you are complaining about the way the case is being handled. The Pensions Ombudsman's decision is final and binding. Matters where legal proceedings have already started cannot be investigated.

However, TPO does have an Early Resolution Service (ERS). The ERS provides an informal approach to dispute resolution. It relies on the willingness of all parties to resolve the matter informally and is based on consent and cooperation. The ERS is made up of a combination of in-house Resolution Specialists and a team of Volunteer Advisers, all with professional pensions experience. Its purpose is to provide an informal and streamlined approach to dispute resolution. The complaint is only resolved if both parties agree. If one party disagrees, they can ask for formal investigation (which may involve completing IDR). ERS has no powers to make a decision or award compensation.

The Pensions Ombudsman can be contacted at:

Address: 10 South Colonnade, Canary Wharf, London, E14 4PU

Tel: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk